

**PUBLIC SESSION MINUTES**  
**North Carolina State Board of CPA Examiners**  
**May 21, 2012**  
**1101 Oberlin Road**  
**Raleigh, NC 27605**

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**MEMBERS ATTENDING:** Jose R. Rodriguez, CPA, President; Wm. Hunter Cook, CPA, Vice President; Maria M. Lynch, Esq., Secretary-Treasurer; Barton W. Baldwin, CPA; Bucky Glover, CPA; and Jordan C. Harris, Jr.

**STAFF ATTENDING:** Robert N. Brooks, Executive Director; J. Michael Barham, CPA, Deputy Director; Frank Trainor, Esq., Staff Attorney; Lisa R. Hearne, Manager-Communications; Ann J. Hinkle, Manager-Professional Standards; Buck Winslow, Manager-Licensing; and Noel L. Allen, Legal Counsel.

**GUESTS:** James T. Ahler, CEO, NCACPA; and Jim Holmes, NCSA.

**CALL TO ORDER:** President Rodriguez called the meeting to order at 10:00 a.m.

**MINUTES:** The minutes of the April 24, 2012, meeting were approved as submitted.

**FINANCIAL AND BUDGETARY ITEMS:** The April 2012 financial statements were accepted as submitted.

Deputy Director Barham presented the proposed 2012-2013 budget to the Board. Ms. Lynch and Mr. Cook moved to approve the budget as amended (Appendix I). Motion passed.

**NATIONAL ORGANIZATION ITEMS:** Messrs. Baldwin and Cook commented on their attendance at the AICPA Spring Council meeting held in Washington, DC, May 15-18, 2012.

**STATE AND LOCAL ORGANIZATION ITEMS:** Messrs. Baldwin, Cook, Glover, Barham, and Brooks attended the NCACPA Annual Business Meeting held in Greensboro, NC, May 1, 2012. At the meeting, Mr. Cook was awarded the *Raymond Rains Outstanding Service Award* by the NCACPA.

Messrs. Baldwin, Cook, and Glover presented a question-and-answer session at the NCACPA Leadership Summit held in Greensboro, NC, May 2, 2012.

**REPORT OF THE PROFESSIONAL STANDARDS COMMITTEE:** Mr. Baldwin moved and the Board approved the following recommendations of the Committee:

Case No. C2011085 - Deanna J. Peltz - Approve the signed Consent Order (Appendix II).

Case No. C2011217 - Nathan T. Garrett, Jr. - Approve the signed Consent Order (Appendix III).

Case No. C2011221 - Jacquelyn Nelson-Owens - Approve the signed Consent Order (Appendix IV).

Case No. C2011237-1 and Case No. C2011237-2 - Cody LeGrant McKinney and Cody LeGrant McKinney, CPA, PC - Messrs. Baldwin and Glover moved to suspend for five (5) years the NC CPA certificate issued to Cody LeGrant McKinney (Appendix V). Motion with six (6) affirmative votes and zero (0) negative votes.

Case No. C2012132 - Donald Phillip Smith - Approve the Order (Appendix VI).

Case No. C2011044 - George A. Watson - Approve the Notice of Hearing for September 24, 2012, at 10:00 a.m.

Case No. 2011068 - Peter A. Gimbal - Approve the Notice of Hearing for August 20, 2012, at 10:00 a.m.

Case No. C2011088 - Jawnza Jackson - Approve the Notice of Hearing for August 20, 2012, at 10:00 a.m.

Case No. C2011219 - Karen L. Nenstiel - Approve the Notice of Hearing for August 20, 2012, at 10:00 a.m.

Case No. C2011222 - Darrell R. Scarbrough - Approve the Notice of Hearing for August 20, 2012, at 10:00 a.m.

Case No. C2012022 - Close the case without prejudice.

Case No. C2012035 - Close the case without prejudice with a Letter of Warning.

Case No. 200611-078 - Stephen M. Himmelberg - Approve the signed Consent Order (Appendix VII).

Case No. C2011890 - Mark A. Konyndyk - Approve the signed Consent Order (Appendix VIII).

**REPORT OF THE PROFESSIONAL EDUCATION AND APPLICATIONS COMMITTEE:** Ms. Lynch moved and the Board approved the following recommendations of the Committee:

**Transfer of Grades Applications** - The following was approved:

Mengliang Zhang

**Original Certificate Applications** - The following were approved:

Benjamin Gerald Allison  
Lauren Elizabeth Barnes  
Cassandra Marie Brooks  
Brandi Dawn Cox  
Christina Kurek Cox  
Andrew Garrett Davis Jr.  
Eric Timothy Dowd  
Alison Marie Dwyer  
Bryan Christopher Faulkner  
Sheryl L. France  
Courtney Renee Gleason  
Rachel Ellen Greene  
Robin Noblett Heyer  
Robyn Michelle Jones  
Jerod Keith Lenderman  
Jenna Rae Lesker  
Rustin Tate Lynch  
Caitlin Reed McGowan  
Brad Michael McKeiver

Ricardo Cortes Mendonsa  
Ryan Thomas Musumeci  
Christopher Mark Nelson  
Derek Christopher Niese  
Stephanie Gordon Pflum  
Joseph Denard Reid  
Lisa Kelly Rich  
Evan Wicker Rives  
Irene Jilma Ross-Piazza  
Matthew Eugene Rukasuwan  
Amanda Kay Scarborough  
Kourtney Brooke Shelar  
Wilfred Alexander Smith Jr.  
April Virginia Stocks  
Jason Alexander Tarlton  
William Dwayne Walker  
Margaret Dorsett Young  
Mengliang Zhang  
Mi Zhou

**Reciprocal Certificate Applications** - The following were approved:

Stephen Douglas Carey  
Philip Yancey Fernandez  
Tamara Lynn Langton  
Courtney Marie Lee

Scott Charles McLean  
John Peter Schefke  
Peter Christopher Schmutz  
Brian Joseph Smith

**Temporary Permits** - The following temporary permits were approved by the Executive Director and ratified by the Board:

Kenneth Ian Deutsch T6805  
Scott Robert Saville T6806  
Melanie Rose Castillo T6807

Tracie Davis Youngblood T6808  
Steve Leo Schilling T6809  
Carol Ann Dellapenna T6810

Michael Anthony Torsiello T6811  
Kimberly Ann Seamans T6812  
Chester Joseph Popkowski Jr. T6813  
Katie Ann Sanford T6814  
Christopher Shaw Silvey T6815  
Eugene J. Longo T6816

Glenn Allen Ruggles T6820  
Matthew Charles Wellman T6863  
Jason John Golonka T6864  
Lawrence Jay Herzberg T6865  
Rebecca Ellen Kreutzfeld T6866

**Reinstatements** - The following were approved:

Teresa Cothran Ellis #20546  
Donna Isley Staley #24939

Brian E. Stringfellow #35294

**Reissuance of New Certificate** - Applications for reissuance of new certificate submitted by the following were approved.

Dudley Ross Coppage II #14079  
Roger Lee Dillard III #20544

William David Murley #19169

**Firm Registrations** - The following professional limited liability companies were approved by the Executive Director and ratified by the Board:

Frank Richard Lopes, Jr., CPA, PLLC  
Mary M. Martin, CPA, PLLC

Whitfield Elliott, PLLC

**Retired Status Applications** - The Committee approved the following requests for retired status because the individuals are completely retired and do not receive any earned compensation for current personal services in any job whatsoever:

Martin Eric Gentle #18221  
Ralph Huddin #30544

Charles J. Hupfer #4097  
Sherry B. Mabry #26256

**Extension Requests** - The Committee approved George Jaques Harrington (#14093) for extension for completion of CPE until May 31, 2012.

**Examinations** - The Committee reviewed and approved the following staff approved applicants to sit for the Uniform CPA Examination:

Emily Acker  
Emmeline Aghapour  
Christopher Albers  
Rehan Ali  
Justin Allen  
Lee Allen

Chad Antley  
Michael Arena  
James Badgett  
LeAnn Bagasala  
Lien Bailey  
Elena Baker

Elizabeth Baker  
Tommi Barbour  
Angela Barnes  
Andrew Barnobi  
Megan Bassett  
John Beasley  
Chelsea Block  
Stephanie Blonchek  
Andrew Bohme  
Anne Bosman  
Alexander Bouknight  
Michael Bowers  
Kelly Brennan  
Allison Brewer  
Vicky Bridges  
Arianna Brisley  
Jessica Broadway  
Steven Bruno  
Byron Bryan  
Bryan Buckingham  
Madison Burke  
Jamison Carpenter  
Kelley Carter  
Aymara Cepero Aldana  
Simion Cerchez  
Matthew Chatelain  
Huan Chen  
Lindsay Clark  
Christopher Class  
Kimberly Clawson  
Susan Collins-Roberts  
Clark Colosimo  
Alexandria Conner  
Claire Covington  
Tyler Crosby  
Cameron Cross  
Brittney Currin  
Brendan Dailey  
Susan Darnell  
Amanda Dehler  
Tenley Desjardins  
Robert Dobbins  
Melissa Dougher

Susan Eisenhardt  
Christopher Eisenzimmer  
Allison Emery  
Andrew Essic  
Paulo Esteves Bonfim  
Glenn Evans  
Heather Ferrell  
John Fisher  
Kacy Forbes  
Jeremy Fortner  
George Freeman  
Ashley Fromm  
Corey Fulcher  
Monte Gainey  
Meagan Garrison  
Matthew Godfrey  
Chalice Golden  
Puja Gomes  
Ashley Good  
Henry Goodson  
Jia Guo  
Devin Hairston  
David Hall  
David Hamilton  
Joseph Haney  
Lisa Hardee  
Felicia Harris  
Ricky Harrison  
Kim Harrison-Clark  
Mara Henderson  
Shannon Henry  
Robin Hewett  
Denise Higgs  
Nancy Higuera Lopez  
Ryan Hill  
Jacqueline Hobbs  
Ann Hobson  
Lindsey Hoch  
Elizabeth Hodges  
Latasha Hodges  
David Hoyle  
Mark Hunike  
Farabee Hussain

Mayumi Ishimatsu  
Anna Ivey  
Ashley Ivey  
Jessica Johansson  
Matthew Johnson  
Myra Johnson  
Preston Johnson  
Ronnie Johnson  
John Jones  
Joshua Jones  
Stephen Jones  
David Joyner  
Jacob Joyner  
Gary Kapalka  
Travis Kever  
Catherine Kelly  
Elaina King  
Perry King  
Ruth Kinyua  
Messavi Komlavi  
Pieter Kreuk  
Brittany Lacy  
Dhara Lakhani  
Lyndsey Lamb  
Adam Lazovik  
Rachel Leaptrot  
Christian LeBron  
Adam Lee  
Faye Levy  
Lauren Lewis  
Fred Lewis, III  
Larysa Lim  
Andrew Linville  
Hristos Lironis  
Sahvanna Locklear  
John Loewer  
Matthew Long  
Stuart Long  
Kiri Longa  
Carrie Love  
Jacquelyn Loy  
John Lucas  
Moiz Lukmanji

Van Ly  
William MacMinn  
Isabell Maegebier  
Evelyn Makatiani  
Hassaan Malik  
Joseph Marks  
Amelia Martin  
Timothy Mausolf  
Brant Mayer  
Katie Mazzeo  
Marcus McAllister  
George McClanahan  
Chad McManus  
William Mebane  
Mackenzie Meier  
Todd Michalske  
Ashley Middleton  
Kevin Moody  
Hona Moore  
Jennifer Morgan  
Paul Morris  
Stefanie Muise  
Jean Murphy  
Joseph Murphy  
Jeffrey Myers  
William Nazal  
Anthony Neal  
Porsha Neal  
Bradley Netherwood  
Donna Newton  
Phillip Norriss  
Sara Nowlin  
Garrett Oakley  
Matthew Ostuni  
Lida Pace  
Andrea Pack  
Michael Palmer  
William Parks  
Jessica Pearson  
William Perrault  
Adrienne Phillips  
Michelle Phillips  
Ljubica Pilipovic

Anthony Pinzari  
Kathryn Pletcher  
Ralph Polk  
Irina Poroshina  
Gregory Portal  
Kristen Potter  
Jason Priest  
Meredith Principe  
Benjamin Pulliam  
Ellen Quinby  
Michael Raible  
Katherine Rebmann  
Kathryn Reddick  
Nghi Reilly  
Virginia Reynolds  
Daniel Riebesell  
Justin Rink  
Maribeth Roach  
Amber Roberts  
Craig Roisum  
Amanda Rose  
Marissa Santiago  
Lauren Sargent  
Mark Schiavone  
Brian Schutz  
Pamela Seward  
Stephen Sheller, Jr  
Michael Shortall  
Gary Sigafos  
Chelsea Simon  
Manjeet Singh  
Daniel Smeaton  
Kimberly Smith  
Mark Smith  
Sydney Smith  
Kc Spangle  
Hannah Stamey  
Christopher Stanley  
Elizabeth Stanley  
Jonathan Stark

Patrick Starnes  
Adam Steele  
Melissa Stephenson  
Andrea Storck  
Laurie Strumski  
Megan Sudnik  
Timothy Summers, Jr  
Kourtney Swan  
Cole Taylor  
David Trautmann  
Samuel Upton  
James Van Dorn  
Travis Vanhoy  
Joshua VanNamee  
Benjamin Walters  
Shuo Wang  
Christian Ward  
Desmond Ward  
Jelissa Ward  
Lilia Warren  
Zeno Weidenthaler  
Sandy Wheless  
Shauna Whitener  
David Williams  
Laronda Williams  
Shona Williamson  
Michael Wills  
Michael Wolff  
Joseph Wood  
Bradley Worthen  
Ko Yun Yang  
Christopher Yeager  
Stephen Yeh  
Teresa Yurtkuran  
Andrea Zahran  
Lindsay Zech  
Jessica Zemonek  
Zhiqiang Zhang  
Xiaojie Zheng

**Letters of Warning** – Staff received and recommended approval of the request to rescind the letter of warning awarded to Robert Nolan (#34624). The Committee approved staff recommendation.

**Firm Renewal and Peer Review Matters** - The firm, Joshua Chertoff, CPA #32757 submitted a renewal or termination notice more than 60 days but less than 120 after the deadline. Staff recommended referral to the Professional Standards Committee. The Committee approved staff recommendation.

**EXECUTIVE STAFF AND LEGAL COUNSEL REPORT:** Messrs. Glover and Cook moved to endorse the September 21, 2012, North Carolina CPA Day of Service as proclaimed by Governor Beverly E. Perdue (Appendix IX). Motion passed.

Mr. Allen reported on the NC Dental Board's case with the Federal Trade Commission.

**ADJOURNMENT:** Messrs. Cook and Harris moved to adjourn the meeting at 10:44 a.m. Motion passed.

Respectfully submitted:

Attested to by:



Robert N. Brooks  
Executive Director



Jose R. Rodriguez, CPA  
President



## NORTH CAROLINA STATE BOARD OF CPA EXAMINERS

2012-2013 APPROVED OPERATING BUDGET

	2011-12 FISCAL YEAR BUDGET	2011-12 ESTIMATED ACTUAL	2012-13 APPROVED BUDGET	REF.
REVENUES	<u>2,845,688</u>	<u>2,836,191</u>	<u>2,853,054</u>	A
EXPENSES				
PERSONNEL	1,149,809	1,129,397	1,292,764	B
BOARD & LEGAL	150,441	87,007	123,190	C
OFFICE	301,825	287,932	303,000	D
EXAMINATION	1,154,000	1,037,369	1,078,300	E
SCHOLARSHIP	10,000	6,000	10,000	
BUILDING	58,901	43,566	45,800	
LEASING COMMISSION	0	5,564	0	
MISCELLANEOUS	0	0	0	
OVER & SHORT	<u>0</u>	<u>-283</u>	<u>0</u>	F
TOTAL	<u>2,824,976</u>	<u>2,596,552</u>	<u>2,853,054</u>	
ESTIMATED CHANGE IN NET ASSETS	<u>20,712</u>	<u>239,639</u>	<u>0</u>	

2012-2013 APPROVED CAPITAL BUDGET

	2011-12 FISCAL YEAR BUDGET	2011-12 ESTIMATED ACTUAL	2012-13 APPROVED BUDGET
HARDWARE	11,300	18,818	3,000
SOFTWARE	0	3,552	2,000
TOTAL	<u>11,300</u>	<u>22,370</u>	<u>5,000</u>
TOTAL PROPOSED BUDGET	<u>2,836,276</u>	<u>2,618,922</u>	<u>2,858,054</u>

2012-2013 APPROVED REVENUE BUDGET

A

	<u>2011-12 FISCAL YEAR BUDGET</u>	<u>2011-12 ESTIMATED ACTUAL</u>	<u>2012-13 APPROVED BUDGET</u>
EXAMINATION FEES			
INITIAL ADMIN FEES	222,180	208,840	208,840
RE-EXAM ADMIN FEES	167,025	163,725	163,725
EXAM FEES REVENUE	1,221,000	1,139,985	1,147,000
EXAM COUPON	-46,667	-19,330	-41,941
EXAM REVIEW FEES	1,000	1,450	1,450
EQUIVALENCY EXAM FEES	0	0	0
GRADE TRANSFER FEES	150	0	0
	<u>1,564,688</u>	<u>1,494,670</u>	<u>1,479,074</u>
CERTIFICATE FEES			
INITIAL	56,000 (560/100)	54,300 ((543/100))	54,300 (543/100)
RECIPROCAL	23,000 (230/100)	24,000 ((240/100))	24,000 (240/100)
RENEWALS	1,080,000 (18000/60)	1,104,220 (18000/60)	1,128,000 (18800/60)
REINSTATEMENTS	16,000 (160/100)	10,780 ((108/100))	10,800 (108/100)
	<u>1,175,000</u>	<u>1,193,300</u>	<u>1,217,100</u>
FIRM REGISTRATIONS			
PARTNERSHIP INITIAL			
PARTNERSHIP RENEWAL	35,000	38,030	38,030
PC INITIAL	5,000	4,600	4,600
PC RENEWAL	34,000	34,900	34,000
PARTNERSHIP REGISTRATION	0	4,730	4,730
	<u>74,000</u>	<u>82,260</u>	<u>81,360</u>
MISCELLANEOUS INCOME	0	3,720	3,720
RENTAL INCOME	0	10,000	30,000
GAIN ON FIXED ASSETS	0	105	0
INTEREST	32,000	33,585	23,800
GIFT CARDS	0	18,551	18,000
OTHER			
	<u><u>2,845,688</u></u>	<u><u>2,836,191</u></u>	<u><u>2,853,054</u></u>

2012-2013 APPROVED PERSONNEL EXPENSE

B

	<u>2011-12 FISCAL YEAR BUDGET</u>	<u>2011-12 ESTIMATED ACTUAL</u>	<u>2012-13 APPROVED BUDGET</u>
FULL TIME STAFF	829,630	824,757	924,919
PART TIME STAFF	12,960	13,564	13,550
TAXES - FICA	64,458	61,861	71,792
RETIREMENT - CONTRIBUTIONS	49,778	49,646	55,495
RETIREMENT - NCLB ADMIN FEE	3,500	2,627	3,500
INSURANCE - HEALTH	141,693	126,155	169,478
STAFF CPE	2,750	1,850	2,750
STAFF TRAVEL	42,040	46,552 0	48,280
MISCELLANEOUS	<u>3,000</u>	<u>2,386</u>	<u>3,000</u>
	<u>1,149,809</u>	<u>1,129,397</u>	<u>1,292,764</u>

2012-2013 APPROVED STAFF TRAVEL EXPENSE

	<u>MTGS.</u>	<u>STAFF</u>	<u>DAYS</u>	<u>RATE</u>	
NASBA MEETINGS					
ANNUAL	1	4	4	400/750/250/50	9,400
REGIONAL	1	3	3	695/230/50	5,505
ADMINISTRATORS/CPE	1	9	4	500/675/250/50	21,375
OTHER MEETINGS					
PROFESSIONAL					6,000
BOARD VEHICLE					<u>6,000</u>
TOTAL MEETING EXPENSE - B					<u>48,280</u>

2012-2013 APPROVED BOARD & LEGAL EXPENSE

C

	<u>2011-12 FISCAL YEAR BUDGET</u>	<u>2011-12 ESTIMATED ACTUAL</u>	<u>2012-13 APPROVED BUDGET</u>	<u>REF.</u>
BOARD TRAVEL	43,091	36,511	55,445	C1
PER DIEM	19,600	11,258	21,500	
CLERICAL REIMBURSEMENT	<u>1,750</u>	<u>0</u>	<u>1,750</u>	
	64,441	47,769	78,695	
LEGAL COUNSEL FEES - ADMIN	18,000	18,735	24,000	
LEGAL COUNSEL FEES-PROF. STAND/	60,000	39,075	17,495	
LEGAL COUNSEL FEES-LITIGATION	5,000	4,230	5,000	
INVESTIGATION COST	8,000	8,808	8,000	
HEARING COST	10,000	5,829	5,000	
REIMBURSEMENTS (NET)	<u>(15,000)</u>	<u>(37,439)</u>	<u>(15,000)</u>	
	86,000	39,238	44,495	
	<u>150,441</u>	<u>87,007</u>	<u>123,190</u>	

2012-2013 APPROVED BOARD TRAVEL EXPENSE

C1

	<u>NO. MTGS.</u>	<u>BOARD MEMBERS</u>	<u>DAYS</u>	<u>RATE</u>	<u>AMOUNT</u>
REGULAR BOARD MEETINGS					
HOTEL	12	6	1	125	9,000
MEALS	12	6	1	40	2,880
TRAVEL	12	7			11,640
					<u>23,520</u>
NASBA ANNUAL MEETING					
HOTEL		7	4	250	7,000
MEALS		7	4	50	1,400
TRAVEL		7		400	2,800
REGISTRATION		7		750	5,250
					<u>16,450</u>
NASBA REGIONAL MEETING					
HOTEL		5	3	230	3,450
MEALS		5	3	50	750
TRAVEL		5		400	2,000
REGISTRATION		5		695	3,475
					<u>9,675</u>
AICPA COUNCIL MEETINGS					
HOTEL	2	2	3	300	3,600
MEALS	2	2	3	50	600
TRAVEL	2	2		400	1,600
					<u>5,800</u>
					<u>55,445</u>

2012-2013 APPROVED PER DIEM EXPENSE

	<u>PER DIEM</u>	<u>BOARD MEMBERS</u>	<u>DAYS</u>	<u>AMOUNT</u>
REGULAR MEETINGS (12)	100	5	2	12,000
PROFESSIONAL MEETINGS	100			4,000
NASBA				
ANNUAL MEETING	100	7	5	3,500
REGIONAL	100	5	4	2,000
TOTAL MEETINGS - C				<u>21,500</u>

**2012-2013 APPROVED OFFICE EXPENSE**

D

	<u>2011-12 FISCAL YEAR BUDGET</u>	<u>2011-12 ESTIMATED ACTUAL</u>	<u>2012-13 PROPOSED BUDGET</u>
OFFICE DECORATIONS	100	1,503	100
EQUIPMENT RENT	800	869	800
PRINTING	45,000	54,315	55,000
POSTAGE	95,000	76,692	80,000
SUPPLIES	12,000	9,572	12,000
TELEPHONE	7,000	6,822	7,000
INTERNET & WEBSITE	18,000	14,903	15,000
SUBSCRIPTIONS	2,000	2,857	3,000
REPAIRS & MAINTENANCE	4,000	5,546	5,000
CLIPPING SERVICE	4,000	4,369	4,500
COMPUTER SOFTWARE MAINTENANCE	42,000	35,700	42,000
COMPUTER SOFTWARE	0	0	1,000
DUES	8,000	8,055	8,500
INSURANCE	9,000	9,288	9,500
MISCELLANEOUS	1,000	18	1,000
AUDIT FEES	7,125	7,125	7,400
CREDIT CARD FEES	42,000	43,297	44,000
BANKING FEES	3,000	4,144	4,200
PAYROLL SERVICE	1,800	1,752	1,800
CONSULTING FEES	<u>0</u>	<u>1,105</u>	<u>1,200</u>
	<u>301,825</u>	<u>287,932</u>	<u>303,000</u>

**2012-2013 APPROVED EXAMINATION EXPENSE**

E

	<u>2011-12 FISCAL YEAR BUDGET</u>	<u>2011-12 ESTIMATED ACTUAL</u>	<u>2012-13 APPROVED BUDGET</u>
EXAM SITTING & GRADING	1,150,000	1,036,110	1,077,000
EXAM POSTAGE	<u>4,000</u>	<u>1,259</u>	<u>1,300</u>
	<u>1,154,000</u>	<u>1,037,369</u>	<u>1,078,300</u>

2012-2013 APPROVED BUILDING EXPENSE

F

	2011-12 FISCAL YEAR BUDGET	2011-12 ESTIMATED ACTUAL	2012-13 APPROVED BUDGET
BUILDING MAINTENANCE	1,475	476	1,500
ELECTRICITY	12,000	5,142	12,000
GROUNDS MAINTENANCE	25,483	19,028	11,700
HEAT & AIR MAINTENANCE	5,343	5,749	5,800
IMPROVEMENTS	2,000	445	2,000
INSURANCE	3,500	3,482	3,500
JANITORIAL MAINTENANCE	6,000	5,716	6,000
TRASH COLLECTION	0	453	0
WATER & SEWER	1,100	909	1,100
SECURITY	1,800	2,040	2,000
PEST CONTROL	<u>200</u>	<u>126</u>	<u>200</u>
	<u>58,901</u>	<u>43,566</u>	<u>45,800</u>

NORTH CAROLINA  
WAKE COUNTY

BEFORE THE NORTH CAROLINA STATE BOARD OF  
CERTIFIED PUBLIC ACCOUNTANT EXAMINERS  
CASE #: C2011085

IN THE MATTER OF:  
Deanna J. Peltz, #28651  
Respondent

CONSENT ORDER

THIS CAUSE, coming before the Board at its offices at 1101 Oberlin Road, Raleigh, Wake County, North Carolina, with a quorum present. Pursuant to N.C. Gen. Stat. § 150B-41, the Board and Respondent stipulate the following Findings:

1. Respondent is the holder of North Carolina certificate number 28651 as a Certified Public Accountant.
2. Respondent informed the Board on her 2010-2011 individual certificate renewal ("Renewal") that she had obtained twenty (20) hours of continuing professional education ("CPE"), at least two (2) of which were to have been ethics courses, as required by the State of Missouri, Respondent's home state of licensure, to meet the 2009 CPE requirement.
3. Based on Respondent's representation, the Board accepted her Renewal.
4. Board staff requested that Respondent provide certificates of completion for the CPE reported to meet her 2009 CPE requirement.
5. Respondent provided the CPE certificates of completion to the Board as requested. However, Respondent failed to provide the certificate or certificates of completion needed to document completion of nine (9) hours of CPE that Respondent claimed she earned between January 1, 2009, and December 30, 2009, as was reported on her Renewal.
6. Respondent wishes to resolve this matter by consent and agrees that the Board staff and counsel may discuss this Consent Order with the Board *ex parte*, whether or not the Board accepts this Consent Order as written. Respondent understands and agrees that this Consent Order is subject to review and approval by the Board and is not effective until approved by the Board at a duly constituted Board Meeting.





BASED upon the foregoing, the Board makes the following Conclusions of Law:

1. Respondent is subject to the provisions of Chapter 93 of the North Carolina General Statutes and Title 21, Chapter 08 of the North Carolina Administrative Code including the Rules of Professional Ethics and Conduct promulgated and adopted therein by the Board.
2. Respondent's actions as set out above constitute violations 21 NCAC 08J .0101(b), 08N .0202(a), .0202(b)(3), .0202(b)(4), and .0203(b)(1).
3. Per N.C. Gen. Stat. § 93-12(9) and also by virtue of Respondent's consent to this Order, Respondent is subject to the discipline set forth below.

BASED on the foregoing and in lieu of further proceedings, the Board and Respondent agree to the following Order:

1. Respondent's failure to provide adequate documentation of CPE renders the Renewal insufficient and untimely. Respondent's failure to adequately renew her certificate results in an automatic forfeiture pursuant to N.C. Gen. Stat. § 93-12(15).
2. Respondent must return her certificate to the Board within thirty (30) days of the Board's approval of this Consent Order.
3. Respondent may not apply for the reinstatement of her certificate for at least one (1) year from the date the Board approves this Consent Order and until the civil penalty required in number five (5) of this Order has been paid by Respondent.
4. Respondent may apply to return her certificate to active status by submission and approval of a reinstatement application which includes:
  - a. Application form,
  - b. Payment of the application fee,
  - c. Three (3) moral character affidavits, and
  - d. Forty-nine (49) hours of CPE in the twelve (12) months preceding the application, including an eight (8) hour accountancy law course as offered by the North Carolina Association of CPAs in a group study format.
5. Respondent shall pay a one thousand dollar (\$1,000.00) civil penalty to be remitted to the Board prior to submitting a reissuance application.



6. Respondent agrees that failure to timely comply with any terms of this agreement and Consent Order shall be deemed sufficient grounds for revocation of her certificate.

CONSENTED TO THIS THE 10 DAY OF April, 2012.

Deanna Peltz  
Respondent

APPROVED BY THE BOARD THIS THE 21 DAY OF MAY, 2012.

NORTH CAROLINA STATE BOARD OF CERTIFIED  
PUBLIC ACCOUNTANT EXAMINERS



BY: [Signature]  
President



NORTH CAROLINA  
WAKE COUNTY

BEFORE THE NORTH CAROLINA STATE BOARD OF  
CERTIFIED PUBLIC ACCOUNTANT EXAMINERS  
CASE #: C2011217

IN THE MATTER OF:  
Nathan T. Garrett, Jr., #21965  
Respondent

CONSENT ORDER

THIS CAUSE, coming before the Board at its offices at 1101 Oberlin Road, Raleigh, Wake County, North Carolina, with a quorum present. Pursuant to N.C. Gen. Stat. § 150B-41, the Board and Respondent stipulate the following Findings:

1. Respondent is the holder of North Carolina certificate number 21965 as a Certified Public Accountant.
2. Respondent informed the Board on his 2010-2011 individual certificate renewal ("Renewal") that he had obtained forty (40) hours of continuing professional education ("CPE"), had completed the annual ethics CPE course, and had completed at least eight (8) hours of non-self study CPE to meet the 2009 CPE requirement.
3. Based on Respondent's representation, the Board accepted his Renewal.
4. Board staff requested that Respondent provide certificates of completion for the CPE reported to meet his 2009 and 2010 CPE requirements.
5. Respondent provided CPE certificates of completion to the Board as requested. However, Respondent failed to provide the certificate or certificates needed to document completion of sixteen (16) hours of CPE that Respondent claimed he earned between January 1, 2009, and June 30, 2010, as was reported on his Renewal.
6. Respondent wishes to resolve this matter by consent and agrees that the Board staff and counsel may discuss this Consent Order with the Board *ex parte*, whether or not the Board accepts this Consent Order as written. Respondent understands and agrees that this Consent Order is subject to review and approval by the Board and is not effective until approved by the Board at a duly constituted Board Meeting.

BASED upon the foregoing, the Board makes the following Conclusions of Law:

1. Respondent is subject to the provisions of Chapter 93 of the North Carolina General Statutes and Title 21, Chapter 08 of the North Carolina Administrative Code including the Rules of Professional Ethics and Conduct promulgated and adopted therein by the Board.
2. Respondent's actions as set out above constitute violations of 21 NCAC 08J .0101(b), 08N .0202(a), .0202(b)(3), .0202(b)(4), and .0203(b)(1).
3. Per N.C. Gen. Stat. § 93-12(9) and also by virtue of Respondent's consent to this Order, Respondent is subject to the discipline set forth below.

BASED on the foregoing and in lieu of further proceedings, the Board and Respondent agree to the following Order:

1. Respondent's failure to provide adequate documentation of CPE renders the Renewal insufficient and untimely. Respondent's failure to adequately renew his certificate results in an automatic forfeiture pursuant to N. C. Gen. Stat. § 93-12(8b).
2. Respondent must return his certificate to the Board within thirty (30) days of the Board's approval of this Consent Order.
3. Respondent may not apply for the reinstatement of his certificate for at least one (1) year from the date the Board approves this Consent Order and until the civil penalty required in number five (5) of this Order has been paid by Respondent.
4. Respondent may apply to return his certificate to active status by submission and approval of a reinstatement application which includes:
  - a. Application form,
  - b. Payment of the application fee,
  - c. Three (3) moral character affidavits, and
  - d. Fifty-six (56) hours of CPE in the twelve (12) months preceding the application including an eight (8) hour accountancy law course as offered by the North Carolina Association of CPAs in a group study format.
5. Respondent shall pay a one-thousand dollar (\$1,000.00) civil penalty to be remitted to the Board prior to submitting a reissuance application.

6. Respondent agrees that failure to timely comply with any terms of this agreement and Consent Order shall be deemed sufficient grounds for revocation of his certificate.

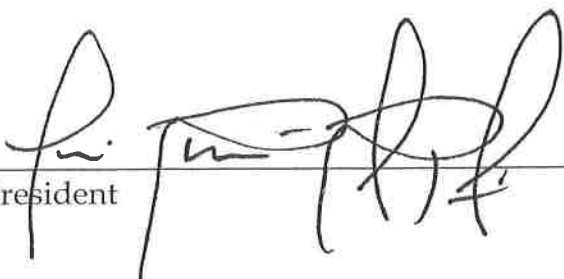
CONSENTED TO THIS THE 13<sup>TH</sup> DAY OF APRIL, 2012.

  
Respondent

APPROVED BY THE BOARD THIS THE 21 DAY OF MAY, 2012.

NORTH CAROLINA STATE BOARD OF CERTIFIED  
PUBLIC ACCOUNTANT EXAMINERS



BY:   
President

NORTH CAROLINA  
WAKE COUNTY

BEFORE THE NORTH CAROLINA STATE BOARD OF  
CERTIFIED PUBLIC ACCOUNTANT EXAMINERS  
CASE #: C2011221

IN THE MATTER OF:  
Jacqualyn A. Nelson-Owens, #27398  
Respondent

CONSENT ORDER

THIS CAUSE, coming before the Board at its offices at 1101 Oberlin Road, Raleigh, Wake County, North Carolina, with a quorum present. Pursuant to N.C. Gen. Stat. § 150B-41, the Board and Respondent stipulate the following Findings:

1. Respondent is the holder of North Carolina certificate number 27398 as a Certified Public Accountant.
2. Respondent informed the Board on her 2010-2011 individual certificate renewal ("Renewal") that she had obtained forty (40) hours of continuing professional education ("CPE"), had completed the annual ethics CPE course, and had completed at least eight (8) hours of non-self study CPE to meet the 2009 CPE requirement.
3. Based on Respondent's representation, the Board accepted her Renewal.
4. Board staff requested that Respondent provide certificates of completion for the CPE reported to meet her 2009 CPE requirement.
5. Respondent provided the CPE certificates of completion to the Board as requested. However, Respondent failed to provide the certificate or certificates of completion needed to document completion of six (6) hours of CPE, including four (4) hours of non-self-study and an annual ethics CPE course, that Respondent claimed she earned between January 1, 2009, and June 30, 2010, as was reported on her Renewal.
6. Respondent wishes to resolve this matter by consent and agrees that the Board staff and counsel may discuss this Consent Order with the Board *ex parte*, whether or not the Board accepts this Consent Order as written. Respondent understands and agrees that this Consent Order is subject to review and approval by the Board and is not effective until approved by the Board at a duly constituted Board Meeting.



BASED upon the foregoing, the Board makes the following Conclusions of Law:

1. Respondent is subject to the provisions of Chapter 93 of the North Carolina General Statutes and Title 21, Chapter 08 of the North Carolina Administrative Code including the Rules of Professional Ethics and Conduct promulgated and adopted therein by the Board.
2. Respondent's actions as set out above constitute violations of 21 NCAC 08J .0101(b), 08N .0202(a), .0202(b)(3), .0202(b)(4), and .0203(b)(1).
3. Per N.C. Gen. Stat. § 93-12(9) and also by virtue of Respondent's consent to this order, Respondent is subject to the discipline set forth below.

BASED on the foregoing and in lieu of further proceedings, the Board and Respondent agree to the following Order:

1. Respondent's failure to provide adequate documentation of CPE renders the Renewal insufficient and untimely. Respondent's failure to adequately renew her certificate results in an automatic forfeiture pursuant to N.C. Gen. Stat. § 93-12(15).
2. Respondent must return her certificate to the Board within thirty (30) days of the Board's approval of this Consent Order.
3. Respondent may not apply for the reinstatement of her certificate for at least one (1) year from the date the Board approves this Consent Order and until the civil penalty required in number five (5) of this Order has been paid by Respondent.
4. Respondent may apply to return her certificate to active status by submission and approval of a reinstatement application which includes:
  - a. Application form,
  - b. Payment of the application fee,
  - c. Three (3) moral character affidavits, and
  - d. Forty-six (46) hours of CPE in the twelve (12) months preceding the application including an eight (8) hour accountancy law course as offered by the North Carolina Association of CPAs in a group study format.
5. Respondent shall pay a one thousand dollar (\$1,000.00) civil penalty to be remitted to the Board prior to submitting a reissuance application.



6. Respondent agrees that failure to timely comply with any terms of this agreement and Consent Order shall be deemed sufficient grounds for revocation of her certificate.

CONSENTED TO THIS THE 23 DAY OF April, 2012.

*Jaqueline Nelson Owens*  
Respondent

APPROVED BY THE BOARD THIS THE 21 DAY OF MAY, 2012.

NORTH CAROLINA STATE BOARD OF CERTIFIED  
PUBLIC ACCOUNTANT EXAMINERS



BY: *[Signature]*  
President





NORTH CAROLINA  
WAKE COUNTY

BEFORE THE NORTH CAROLINA STATE BOARD OF  
CERTIFIED PUBLIC ACCOUNTANT EXAMINERS  
CASE #s: C2011239-1 and C2011239-2

IN THE MATTER OF:

Cody LeGrant McKinney, #19585  
Cody LeGrant McKinney, CPA, P.C.  
Respondents

CONSENT ORDER

THIS CAUSE, coming before the North Carolina State Board of CPA Examiners (Board) at its offices at 1101 Oberlin Road, Raleigh, Wake County, North Carolina, with a quorum present. Pursuant to N. C. Gen. Stat. § 150B-41, the Board and Respondent stipulate to the following:

1. Cody LeGrant McKinney (hereinafter "Respondent McKinney") is the holder of North Carolina certificate number 19585 as a Certified Public Accountant.
2. Cody LeGrant McKinney, CPA, P.C. (hereinafter "Respondent Firm"), is a registered certified public accounting professional corporation in North Carolina. Respondent McKinney is the sole owner of Respondent Firm, and has been individually responsible for the conduct of Respondent Firm.
3. During the period from July 1, 2010, through September 23, 2011, Respondent Firm conducted an audit and issued a report on the financial statements of the Town of Burnsville ("Town") for the year ended June 30, 2010.
4. An audit work paper review performed by Board staff, and a review of the financial statements and single audit report performed by the Local Government Commission ("LGC") disclosed numerous deficiencies in the audit work papers and deficiencies in the financial statements and single audit reports indicating that Respondent Firm failed to comply with Generally Accepted Auditing Standards (GAAS), Generally Accepted Government Auditing Standards (GAGAS), and OMB Circular A-133 as follows:
  - a. The working papers contained numerous deficiencies in audit documentation that indicate Respondent Firm failed to obtain sufficient evidence to provide a reasonable basis for the conclusion that was expressed in the audit report and failed to comply with



Consent Order - 2

Cody LeGrant McKinney

Cody LeGrant McKinney, CPA, P.C.

numerous GAAS as documented in the Board staff's review. By failing to comply with GAAS, Respondent Firm failed to comply with GAGAS, specifically 4.03 (AICPA Fieldwork Standards), 4.19 (Audit Documentation), 4.26 (Materiality in GAGAS Financial Audits), and 4.27 (Consideration of Fraud and Illegal Acts).

- b. Respondent Firm could not provide documentation to substantiate that any single audit compliance audit procedures were performed during the Town's 2010 audit. However, Respondent Firm issued a single audit opinion and attested in the *Reports on Compliance With Requirements Applicable to Each Major Federal and State Program and Internal Control Over Compliance in Accordance With OMB Circular A-133 and State Single Audit Implementation Act* that single audit compliance procedures were performed. This is a violation of OMB circular A-133 requirements related to major federal programs.
  - c. The financial statements, note disclosures, and supplemental schedules, as submitted to the LGC, were not prepared in accordance with Governmental Accounting and Financial Reporting Principles and contained errors and deficiencies.
5. The single audit reports and schedules, as submitted to the LGC, were not prepared in accordance with Circular A-133 requirements, and contained errors and deficiencies.
  6. Respondent wishes to resolve this matter by consent and agrees that the Board staff and counsel may discuss this Consent Order with the Board *ex parte*, whether or not the Board accepts this Consent Order as written. Respondent understands and agrees that this Consent Order is subject to review and approval by the Board and is not effective until approved by the Board at a duly constituted Board Meeting.

BASED upon the foregoing, the Board makes the following Conclusions of Law:

1. Respondent is subject to the provisions of Chapter 93 of the North Carolina General Statutes and Title 21, Chapter 8 of the North Carolina Administrative Code (NCAC), including the Rules of Professional Ethics and Conduct promulgated and adopted therein by the Board.
2. Respondent's actions as set out above constitute violations of 21 NCAC 08N .0201, .0202(a), .0203(b)(1), .0204, .0206 .0209, .0212, .0403, .0405 and .0409.



Consent Order - 3

Cody LeGrant McKinney

Cody LeGrant McKinney, CPA, P.C.

3. Per N.C. Gen. Stat. § 93-12(9) and also by virtue of Respondent's consent to this order, Respondent is subject to the discipline set forth below.

BASED on the foregoing and in lieu of further proceedings, the Board and Respondent agree to the following Order:

1. The Certified Public Accountant certificate issued to Respondent, Cody LeGrant McKinney, is suspended for five (5) years from the date this Order is approved by the Board.
2. Respondent must return his suspended certificate to the Board with this signed Consent Order.
3. The firm registration for Respondent Firm, Cody LeGrant McKinney, CPA, P.C., is hereby cancelled.
4. Respondent McKinney is suspended from participating in, reviewing, or performing audits, reviews of financial statements, compilations of financial statements, or agreed-upon procedures engagements ("Attest and Assurance Services") for any entity for the five (5) years that his CPA certificate is suspended.
5. Respondent may apply for the reissuance of his certificate after five (5) years from the date the Board approves this Consent Order.
6. Respondent may apply to return his certificate to active status by submission and approval of a reissuance application which includes:
  - a. Application form,
  - b. Payment of the application fee,
  - c. Three (3) moral character affidavits, and
  - d. Forty (40) hours of CPE in the twelve (12) months preceding the application, including the eight (8) hour accountancy law course as offered by the North Carolina Association of CPAs in group-study format.
7. After the reissuance of Respondent McKinney's CPA certificate, Respondent McKinney shall be required to obtain pre-issuance reviews of all attest or assurance services, which Respondent CPA performs, reviews, or participates in, until such time that the Board determines that pre-issuance review is no



Consent Order - 4

Cody LeGrant McKinney

Cody LeGrant McKinney, CPA, P.C.

longer necessary. The pre-issuance reviewer shall be approved by the Board prior to performing said reviews. Respondent shall authorize and cause the pre-issuance reviewer to provide the Board with a copy of each pre-issuance review report upon its issuance.

8. Respondent McKinney shall reimburse the Board for its administrative costs incurred as a result of monitoring compliance with pre-issuance review requirements.
9. Respondent agrees that failure to comply with any terms of this agreement and Consent Order shall be deemed sufficient grounds for revocation of his certificate.

CONSENTED TO THIS THE 20th DAY OF APRIL, 2012.

Cody LeGrant McKinney  
Respondent

APPROVED BY THE BOARD THIS THE 21 DAY OF MAY, 2012.

NORTH CAROLINA STATE BOARD OF CERTIFIED  
PUBLIC ACCOUNTANT EXAMINERS



BY: [Signature]  
President



NORTH CAROLINA  
WAKE COUNTY

BEFORE THE NORTH CAROLINA STATE BOARD OF  
CERTIFIED PUBLIC ACCOUNTANT EXAMINERS  
CASE #C2012132

IN THE MATTER OF:

Donald Phillip Smith, #25381  
Respondent

ORDER

THIS MATTER having come before the Board with a quorum present, and having been consented to by the Respondent, the Board finds and orders as follows:

1. Donald Phillip Smith (hereinafter "Mr. Smith") was the holder of a certificate as a Certified Public Accountant in North Carolina.
2. Mr. Smith failed to timely file the annual firm registration for D. P. Smith, CPA, in accordance with provisions as required by N. C. Gen. Stat. § 93-12 (7b) and 21 NCAC 08J .0108 (b) and (g), and 08N .0213.
3. Mr. Smith failed to renew his firm registration in excess of 120 days from the annual firm registration date.
4. Pursuant to 21 NCAC 08J .0111(3), because Mr. Smith's infraction was for a period in excess of 120 days, the appropriate penalty is \$500.00.
5. Mr. Smith has paid his civil penalty and consents to the entry of this Order and has waived any right to a hearing.
6. The Board members present, representing a quorum of the Board, have unanimously decided to accept Donald Phillip Smith's payment as full resolution of the aforementioned rules violation.

This the 21 day of MAY, 2012.



NORTH CAROLINA STATE BOARD OF CERTIFIED  
PUBLIC ACCOUNTANT EXAMINERS

BY: \_\_\_\_\_  
President

NORTH CAROLINA  
WAKE COUNTY

BEFORE THE NORTH CAROLINA STATE BOARD OF  
CERTIFIED PUBLIC ACCOUNTANT EXAMINERS  
CASE #: 200611-078

IN THE MATTER OF:  
Stephen M. Himmelberg, #21904  
Respondent

CONSENT ORDER

THIS CAUSE, coming before the North Carolina State Board of CPA Examiners (Board) at its offices at 1101 Oberlin Road, Raleigh, Wake County, North Carolina, with a quorum present. Pursuant to N. C. Gen. Stat. § 150B-41, the Board and Respondent stipulate to the following:

1. Stephen M. Himmelberg (hereinafter "Respondent") is the holder of North Carolina certificate number 21904 as a Certified Public Accountant.
2. Respondent under-reported income taxes to the Internal Revenue Service ("IRS") and North Carolina Department of Revenue for the tax years 2002-2005. The under-reported income constituted between 10% to 20% of Respondent's income during those years.
3. Respondent wishes to resolve this matter by consent and agrees that the Board staff and counsel may discuss this Consent Order with the Board *ex parte*, whether or not the Board accepts this Consent Order as written. Respondent understands and agrees that this Consent Order is subject to review and approval by the Board and is not effective until approved by the Board at a duly constituted Board Meeting.

BASED upon the foregoing, the Board makes the following Conclusions of Law:

1. Respondent is subject to the provisions of Chapter 93 of the North Carolina General Statutes and Title 21, Chapter 8 of the North Carolina Administrative Code (NCAC), including the Rules of Professional Ethics and Conduct promulgated and adopted therein by the Board.



2. Respondent's repetitive under-reporting of a large portion of his income displays, at the least, a reckless disregard of his duty to timely and accurately pay his income taxes and constitutes violations of 21 NCAC 08N .0201, .0203(b)(2), and .0207.
3. Per N.C. Gen. Stat. § 93-12(9) and also by virtue of Respondent's consent to this order, Respondent is subject to the discipline set forth below.

BASED on the foregoing and in lieu of further proceedings, the Board and Respondent agree to the following Order:

1. The Certified Public Accountant certificate issued to Respondent, Stephen M. Himmelberg, is suspended for at least one (1) year from the date this Order is approved by the Board.
2. The firm registration for Respondent's CPA firm is hereby suspended.
3. Respondent must return his suspended certificate and firm registration to the Board with this signed Consent Order.
4. Respondent may apply for the reissuance of his certificate after one (1) year from the date the Board approves the Consent.
5. Respondent shall pay a four-thousand dollar (\$4000.00) civil monetary penalty.
6. Respondent shall pay the administrative costs associated with this action.
7. Respondent may apply to return his certificate to active status by submission and approval of a reissuance application which includes:
  - a. Application form,
  - b. Payment of the application fee,
  - c. Three (3) moral character affidavits, and
  - d. Forty (40) hours of CPE in the twelve (12) months preceding the application, including the eight (8) hour accountancy law course as offered by the North Carolina Association of CPAs in self-study or group study format.



Consent Order - 3  
Stephen M. Himmelberg

CONSENTED TO THIS THE 9th DAY OF May, 2012.

Stephen M. Himmelberg  
Respondent

APPROVED BY THE BOARD THIS THE 21 DAY OF MAY, 2012.

NORTH CAROLINA STATE BOARD OF CERTIFIED  
PUBLIC ACCOUNTANT EXAMINERS



BY: [Signature]  
President





NORTH CAROLINA  
WAKE COUNTY

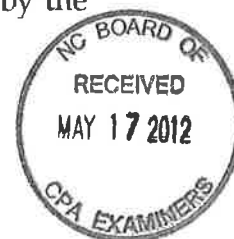
BEFORE THE NORTH CAROLINA STATE BOARD OF  
CERTIFIED PUBLIC ACCOUNTANT EXAMINERS  
CASE #: C2011290

IN THE MATTER OF:  
Mark A. Konyndyk, #31322  
Respondent

CONSENT ORDER

THIS CAUSE, coming before the North Carolina State Board of CPA Examiners (Board) at its offices at 1101 Oberlin Road, Raleigh, Wake County, North Carolina, with a quorum present. Pursuant to N. C. Gen. Stat. § 150B-41, the Board and Respondent stipulate to the following:

1. Mark A Konyndyk (hereinafter "Respondent") was the holder of North Carolina certificate number 31322 as a Certified Public Accountant. In June 2011, Respondent requested that his certificate be placed on "Inactive" status.
2. The Securities and Exchange Commission ("SEC") filed a complaint against Respondent in the federal court for the District of Columbia alleging that he violated Exchange Act Rule 14(e) by trading in advance of a tender offer for total profits of \$9,725.00.
3. In November 2011, Respondent agreed to settle the SEC's charges without admitting or denying the allegations made in the SEC's complaint.
4. As part of the settlement, Respondent consented to entry of a final judgment imposing a total of \$21,239.28 in disgorgement, interest, and civil penalties.
5. After the court entered its judgment, the SEC entered its own administrative order on December 5, 2011, suspending Respondent's ability to practice before the SEC as an accountant for two years.
6. Respondent wishes to resolve this matter by consent and agrees that the Board staff and counsel may discuss this Consent Order with the Board *ex parte*, whether or not the Board accepts this Consent Order as written. Respondent understands and agrees that this Consent Order is subject to review and approval by the Board and is not effective until approved by the Board at a duly constituted Board Meeting.



Mark A. Konyndyk

BASED upon the foregoing, the Board makes the following Conclusions of Law:

1. Respondent is subject to the provisions of Chapter 93 of the North Carolina General Statutes and Title 21, Chapter 8 of the North Carolina Administrative Code, including the Rules of Professional Ethics and Conduct promulgated and adopted therein by the Board.
2. Respondent's discipline by the SEC constitutes prima facie evidence of a violation of 21 NCAC 08N .0204.
3. If proven, the factual allegations underlying the SEC complaint constitute violations of 21 NCAC 08N .0201 and .0203.
4. Per N.C. Gen. Stat. § 93-12(9) and also by virtue of Respondent's consent to this order, Respondent is subject to the discipline set forth below.

BASED on the foregoing and in lieu of further proceedings, the Board and Respondent agree to the following Order:

1. The Certified Public Accountant certificate issued to Respondent, Mark A. Konyndyk, is suspended for two (2) years from the date this Order is approved by the Board.
2. Respondent must return his suspended certificate to the Board with this signed Consent Order.
3. Respondent may apply for the reissuance of his certificate after two (2) years from the date the Board approves this Consent Order.
4. Respondent may apply to return his certificate to active status by submission and approval of a reissuance application which includes:
  - a. Application form,
  - b. Payment of the application fee,
  - c. Three (3) moral character affidavits, and
  - d. Forty (40) hours of CPE in the twelve (12) months preceding the application, including the eight (8) hour accountancy law course as offered by the North Carolina Association of CPAs in self-study or group-study format.



Mark A. Konyndyk

5. Prior to reissuance of his certificate, Respondent shall remit a one thousand dollar (\$1,000.00) civil penalty to the Board.
6. Respondent shall not offer or render services as a CPA or otherwise trade upon or use the CPA title in this state either through CPA mobility provisions or substantial equivalency practice privileges or in any other manner, nor shall Respondent claim or attempt to use any practice privileges in any other state based upon his suspended North Carolina certificate.
7. Respondent agrees that failure to comply with any terms of this agreement and Consent Order shall be deemed sufficient grounds for revocation of his certificate.

CONSENTED TO THIS THE 10 DAY OF MAY, 2012.

Mark A. Konyndyk  
Respondent

APPROVED BY THE BOARD THIS THE 21 DAY OF MAY, 2012.

NORTH CAROLINA STATE BOARD OF CERTIFIED  
PUBLIC ACCOUNTANT EXAMINERS



BY: [Signature]  
President



# State of North Carolina



BEVERLY EAVES PERDUE  
GOVERNOR

## NORTH CAROLINA CPA DAY OF SERVICE

2012

BY THE GOVERNOR OF THE STATE OF NORTH CAROLINA

### A PROCLAMATION

WHEREAS, the fiscal health and well-being of North Carolina citizens, businesses, and institutions are critical to the continued vitality and prosperity of the state; and

WHEREAS, certified public accounting requires significant educational and professional experience, as well as the successful completion of the Uniform CPA Examination and the completion of substantial certification and licensure requirements; and

WHEREAS, certified public accounting in North Carolina maintains a high standard of ethics, professionalism and knowledge by maintenance and enhancement of skills through lifelong professional education; and

WHEREAS, certified public accounting provides valuable accounting and auditing services, management advisory services, individual and corporate tax services, financial planning advice, and many other services; and

WHEREAS, North Carolina's certified public accountants continuously draw upon their unique knowledge and experiences to provide sound, reliable financial counsel to protect and promote the growth of business, the soundness of government operations, excellence in higher education and confidence of investors; and

WHEREAS, the State of North Carolina joins the North Carolina Association of Certified Public Accountants in recognizing the contributions certified public accounting makes to the financial well-being and success of citizens and commerce in North Carolina and across the nation;

NOW, THEREFORE, I, BEVERLY EAVES PERDUE, Governor of the State of North Carolina, do hereby proclaim September 21, 2012, as "**NORTH CAROLINA CPA DAY OF SERVICE**" in North Carolina and commend its observance to all citizens. I further call upon North Carolina certified public accountants to engage in public and community service, on this day and throughout the year.



A handwritten signature in cursive script, reading "Beverly Eaves Perdue".

BEVERLY EAVES PERDUE

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State of North Carolina at the Capitol in Raleigh this sixteenth day of April in the year of our Lord two thousand and twelve and of the Independence of the United States of America the two hundred and thirty-sixth.